IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20532 of 2004

Between:

1 Ambati. Lava Raju, S/o Seetharamaiah,
R/o Mylavaram Village & Mandal, Krishna District
2 Bomma Reddy.Venkayamma, W/o Late Sambi Reddy,
R/o Mylavaram Village & Mandal, Krishna District

..... PETITIONERS

AND

The Mandal Revenue Officer, Mylavaram, Krishna District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more in the nature of Writ of Mandamus to direct the respondent to consider the explanation submitted by the petitioners and proceed with the enquiry according to law by permitting the petitioners to participate in the enquiry in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondent : GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. At their request, the writ petition itself is taken up for final disposal.

Pursuant to the show cause notice, dated 9-10-2004, issued under Section 7 of the Land Encroachment Act, by the respondent, the petitioner submitted his explanation, dated 25-10-2004, but the same was not received by the respondent stating that it was not submitted within seven days. Then, the petitioner send another explanation on 28-10-2004 by registered post. According to the petitioner, the same was received by the respondent office. The grievance of the petitioner is that without considering and passing any final orders on the said explanation, the respondent is trying to dispossess him from the land in question.

In view of the above, if no final orders, as such, are passed pursuant to the show cause notice dated 9-10-2004, the respondent is directed to consider the explanation submitted by the petitioner through registered post, and pass appropriate orders in accordance with law. If any final orders are passed before considering the explanation of the petitioner, the same shall be communicated to him and till the statutory period of appeal is expired from the date of communication of such order, the respondent shall not dispossess the petitioner.

Accordingly the writ petition is disposed of. No order as to costs.

09-11-2004

GJ

To

1. The Mandal Revenue Officer, Mylavaram, Krishna District

2. 2 CCs to the G.P. for Revenue, High Court buildings, High Court of A.P. Hyderabad (OUT)

3. 2 CD copies.